

### REMARKS

The Office Action dated March 5, 2009 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-11, 13-23, 25, 27-39, and 41 are now pending in this application. Claims 1-11, 13-23, 25, 27-39, and 41 stand rejected.

The rejection of Claims 1-11, 13-23, 25, 27-39, and 41 under 35 U.S.C. § 103(a) as being unpatentable over “Networked VR System: Kitchen Layout Design for Customers” by Fukuda et al. (hereinafter referred to as “Fukuda”) in view of U.S. Patent No. 5,970,472 to Allsop et al. (hereinafter referred to as “Allsop”), and further in view of U.S. Patent No. 6,055,516 to Johnson et al. (hereinafter referred to as “Johnson”) is respectfully traversed.

Fukuda describes a networked virtual reality kitchen design system that allows customers to create a preliminary kitchen design on the Internet and to edit the preliminary design in three-dimensional space. After reviewing and editing the preliminary design on the Internet, customers are able to send the preliminary design to a showroom and to schedule a final review of the preliminary design with a design specialist in the showroom. During the final review session, customers are required to discuss detailed planning issues and budgeting issues with the design specialist in person. Notably, Fukuda does not describe or suggest obtaining from a first user an indication of at least one unavailable new building option for constructing a new building, wherein the at least one unavailable new building option is not offered as a choice for a new building option for constructing the new building, and providing performance information electronically on the at least one unavailable new building option to a second user.

Allsop describes a method for performing electronic commerce on the Internet. The method includes establishing a Web Linked Dealer (WLD) that facilitates authorized sales of a given manufacturer’s products. The WLD has an online shopping website that is accessible from a manufacturer’s website. To operate the WLD, a server (50) is maintained with an

Internet connection, and a number of order processing units (44-49) for processing product orders are maintained and operated on server (50). Each order processing unit (44-49) provides an electronic commerce interface by which a user can, through the WLD, purchase the manufacturer's products. Each order processing unit (44-49) includes a shopping basket application (51) that displays current contents of a user's shopping basket. A shopping basket maintenance module (62) allows the user to edit the contents of the shopping basket. Notably, Allsop also does not describe or suggest obtaining from a first user an indication of at least one unavailable new building option for constructing a new building, wherein the at least one unavailable new building option is not offered as a choice for a new building option for constructing the new building, and providing performance information electronically on the at least one unavailable building option to a second user.

Johnson describes searching multiple catalogs from different suppliers. Catalog database (36) can contain a catalog or catalogs published by a vendor Distributor, having the Distributors catalog numbers for all listed products and the vendor manufacturers part numbers for many of the listed products. Catalog database (36) can further contain catalogs published by some of the vendor manufacturers, listing the manufacturers part numbers for certain products correspondingly listed in the Distributors catalogs and for certain products not listed in the Distributors catalogs. Catalog database (36) can further contain catalogs published by outside suppliers, whether other manufacturers or other distributors, listing such vendors products different from those in the Distributors catalogs. Notably, Johnson does not describe or suggest obtaining from a first user an indication of at least one unavailable new building option for constructing a new building, wherein the at least one unavailable new building option is not offered as a choice for a new building option for constructing the new building, and providing performance information electronically on the at least one unavailable building option to a second user.

Claim 1 recites a method of managing building options, the method including "obtaining from a first user an indication of at least one available new building option for constructing a new building and at least one unavailable new building option for constructing

the new building, the at least one unavailable new building option not being offered as a choice for a new building option for constructing the new building; causing the at least one available new building option to be electronically accessible to a second user upon electronic transmission of a valid authorization by the second user; providing performance information electronically on the at least one available new building option to the second user; providing information electronically on the at least one unavailable new building option to the second user; obtaining electronically from the second user an indication of at least one choice from among the at least one available new building option; displaying electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget; and providing the indication of the at least one choice to the first user.”

No combination of Fukuda, Allsop, and Johnson describes or suggests a method of managing building options as recited in Claim 1. More specifically, no combination of Fukuda, Allsop, and Johnson describes or suggests obtaining from a first user an indication of at least one unavailable new building option for constructing a new building, wherein the at least one unavailable new building option is not offered as a choice for a new building option for constructing the new building, and providing performance information electronically on the at least one unavailable new building option to a second user, thus educating the second user regarding the unavailable new building option to facilitate the second user in making informed decisions during construction of the new building. In contrast to the present invention, Fukuda describes providing a customer with product information on available products, Allsop merely describes a Web Linked Dealer that allows a user to maintain and edit the contents of an online shopping basket, and Johnson merely describes searching multiple vendor catalogs for an item that is not listed in a particular vendor catalog. However, none of Fukuda, Allsop, and Johnson describes or suggests providing performance information on an item that is unavailable.

In addition to the above rejection, the Examiner relies on U.S. Patent No. 3,251,543 to Bush (hereinafter referred to as “Bush”) as allegedly describing the feature of “displaying electronically, based upon the indication of the at least one choice, an amount of money

remaining in a designated budget” as recited in Claim 1. However, Bush does not remedy the deficiencies of Fukuda, Allsop, and Johnson in describing or rendering obvious the recitation of obtaining from a first user an indication of at least one unavailable new building option for constructing a new building, wherein the at least one unavailable new building option is not offered as a choice for a new building option for constructing the new building, and providing performance information electronically on the at least one unavailable building option to a second user.

Accordingly, Claim 1 is submitted as being patentable over Fukuda in view of Allsop, further in view of Johnson, and further in view of Bush.

Claims 2-11, 13, and 14 depend, directly or indirectly, from Claim 1. When the recitations of Claims 2-11, 13, and 14 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-11, 13, and 14 are likewise patentable over Fukuda in view of Allsop, further in view of Johnson, and further in view of Bush.

Claim 15 recites a system of managing building options, the system including “a first processor adapted to obtain from a first user an indication of at least one available new building option and at least one unavailable new building option, the at least one unavailable new building option not being offered as a choice for a new building option; and a second processor adapted to allow performance information on the at least one available new building option and the at least one unavailable new building option to be electronically accessible to a second user upon electronic transmission of a valid authorization by the second user, said second processor adapted to obtain electronically from said second user an indication of at least one choice from among the at least one available new building option, said second processor adapted to display electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget, and said second processor adapted to provide the at least one choice to said first user.”

No combination of Fukuda, Allsop, and Johnson describes or suggests a system of managing building options as recited in Claim 15. More specifically, no combination of

Fukuda, Allsop, and Johnson describes or suggests a first processor adapted to obtain from a first user an indication of at least one available new building option and at least one unavailable new building option, wherein the at least one unavailable new building option not being offered as a choice for a new building option, and a second processor adapted to allow performance information on the at least one available new building option and the at least one unavailable new building option to be electronically accessible to a second user, thus educating the second user regarding the unavailable new building option to facilitate the second user in making informed decisions during construction of the new building. In contrast to the present invention, Fukuda describes providing a customer with product information on available products, Allsop merely describes a Web Linked Dealer that allows a user to maintain and edit the contents of an online shopping basket, and Johnson merely describes searching multiple vendor catalogs for an item that is not listed in a particular vendor catalog. However, none of Fukuda, Allsop, and Johnson describes or suggests providing performance information on an item that is unavailable.

In addition to the above rejection, the Examiner also relies on Bush as allegedly describing the feature of “said second processor adapted to display electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget” as recited in Claim 15. However, Bush does not remedy the deficiencies of Fukuda, Allsop, and Johnson in describing or rendering obvious the recitation of a first processor adapted to obtain from a first user an indication of at least one available new building option and at least one unavailable new building option, wherein the at least one unavailable new building option not being offered as a choice for a new building option, and a second processor adapted to allow performance information on the at least one available new building option and the at least one unavailable new building option to be electronically accessible to a second user, thus educating the second user regarding the unavailable new building option to facilitate the second user in making informed decisions during construction of the new building.

Accordingly, Claim 15 is submitted as being patentable over Fukuda in view of Allsop, further in view of Johnson, and further in view of Bush.

Claims 16-23 and 25 depend, directly or indirectly, from Claim 15. When the recitations of Claims 16-23 and 25 are considered in combination with the recitations of Claim 15, Applicant submits that dependent Claims 16-23 and 25 are likewise patentable over Fukuda in view of Allsop, further in view of Johnson, and further in view of Bush.

Claim 27 recites at least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method of managing building options, the method including “obtaining from a first user an indication of at least one available new building option for constructing a new building and at least one unavailable new building option for constructing the new building, the at least one unavailable new building option not being offered as a choice for a new building option for constructing the new building; causing the at least one available option to be electronically accessible to a second user upon electronic transmission of a valid authorization by the second user; providing information electronically on the at least one available new building option to the second user; providing performance information electronically on the at least one unavailable building option to the second user; obtaining electronically from the second user an indication of at least one choice from among the at least one available new building option; displaying electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget; and providing the indication of the at least one choice to the first user.”

No combination of Fukuda, Allsop, and Johnson describes or suggests a method of managing building options as recited in Claim 27. More specifically, no combination of Fukuda, Allsop, and Johnson describes or suggests obtaining from a first user an indication of at least one unavailable new building option for constructing a new building, wherein the at least one unavailable new building option is not offered as a choice for a new building option for constructing the new building, and providing performance information electronically on the at least one unavailable new building option to a second user, thus educating the second

user regarding the unavailable new building option to facilitate the second user in making informed decisions during construction of the new building. In contrast to the present invention, Fukuda describes providing a customer with product information on available products, Allsop merely describes a Web Linked Dealer that allows a user to maintain and edit the contents of an online shopping basket, and Johnson merely describes searching multiple vendor catalogs for an item that is not listed in a particular vendor catalog. However, none of Fukuda, Allsop, and Johnson describes or suggests providing performance information on an item that is unavailable.

In addition to the above rejection, the Examiner also relies on a new reference, Bush, as allegedly describing the feature of “displaying electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget” as recited in Claim 27. However, Bush does not remedy the deficiencies of Fukuda, Allsop, and Johnson in describing or rendering obvious the recitation of obtaining from a first user an indication of at least one unavailable new building option for constructing a new building, wherein the at least one unavailable new building option is not offered as a choice for a new building option for constructing the new building, and providing performance information electronically on the at least one unavailable new building option to a second user, thus educating the second user regarding the unavailable new building option to facilitate the second user in making informed decisions during construction of the new building.

Accordingly, Claim 27 is submitted as being patentable over Fukuda in view of Allsop, further in view of Johnson, and further in view of Bush.

Claims 28-39 depend, directly or indirectly, from Claim 27. When the recitations of Claims 28-39 are considered in combination with the recitations of Claim 27, Applicant submits that dependent Claims 28-39 are likewise patentable over Fukuda in view of Allsop, further in view of Johnson, and further in view of Bush.

Claim 41 recites a system for managing building options, the system including “means for obtaining from a first user an indication of at least one available new building

option for constructing a new building and at least one unavailable new building option for constructing the new building, the at least one unavailable new building option not being offered as a choice for a new building option for constructing the new building; means for causing the at least one available new building option to be electronically accessible to a second user upon electronic transmission of a valid authorization by the second user; means for providing information electronically on the at least one new building option to said second user; means for providing performance information electronically on the at least one unavailable new building option to said second user; means for obtaining electronically from said second user an indication of at least one choice from among the at least one available new building option; means for displaying electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget; and means for providing the indication of the at least one choice to said first user.”

No combination of Fukuda, Allsop, and Johnson describes or suggests a system for managing building options as recited in Claim 41. More specifically, no combination of Fukuda, Allsop, and Johnson describes or suggests means for obtaining from a first user an indication of at least one unavailable new building option for constructing a new building, wherein the at least one unavailable new building option is not offered as a choice for a new building option for constructing the new building, and providing performance information electronically on the at least one unavailable new building option to a second user, thus educating the second user regarding the unavailable new building option to facilitate the second user in making informed decisions during construction of the new building. In contrast to the present invention, Fukuda describes providing a customer with product information on available products, Allsop merely describes a Web Linked Dealer that allows a user to maintain and edit the contents of an online shopping basket, and Johnson merely describes searching multiple vendor catalogs for an item that is not listed in a particular vendor catalog. However, none of Fukuda, Allsop, and Johnson describes or suggests providing performance information on an item that is unavailable.



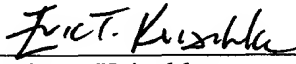
In addition to the above rejection, the Examiner relies on Bush, as allegedly describing the feature of “means for displaying electronically, based upon the indication of the at least one choice, an amount of money remaining in a designated budget” as recited in Claim 41. However, Bush does not remedy the deficiencies of Fukuda, Allsop, and Johnson in describing or rendering obvious the recitation of means for obtaining from a first user an indication of at least one unavailable new building option for constructing a new building, wherein the at least one unavailable new building option is not offered as a choice for a new building option for constructing the new building, and providing performance information electronically on the at least one unavailable new building option to a second user, thus educating the second user regarding the unavailable new building option to facilitate the second user in making informed decisions during construction of the new building.

Accordingly, Claim 41 is submitted as being patentable over Fukuda in view of Allsop, further in view of Johnson, and further in view of Bush.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-11, 13-23, 25, 27-39, and 41 be withdrawn.

In view of the foregoing amendment and remarks, all of the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

  
Eric T. Krischke  
Registration No. 42,769  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070